

REMARKS

Summary of Office Action

Claims 1-36 are pending in this application. Claims 1-28 have been withdrawn pursuant to a restriction requirement.

The Examiner rejected claims 29-34 under 35 U.S.C. 102(b) as being anticipated by Michaels, Jr. U.S. Patent No. 5,685,846 (hereinafter "Michaels").

Dependent claims 35 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from Michaels in view of Kamstra U.S. Patent No. 4,822,340 (hereinafter "Kamstra").

Rejections Of Claims 29-34 Under 35 U.S.C. § 102(b)

Claims 29-34 were rejected under 35 U.S.C. §102(b) as being anticipated by Michaels. The Examiner said Michaels discloses applicants' method in its drawings, specification, and method claims 6-10.

These rejections are respectfully traversed.

Independent claim 29 defines a method requiring that (1) a seal structure be inserted into a chamber to create a front compartment and a rear compartment, (2) the rear compartment be filled with a wet medicament portion through a rear end of the chamber, and (3) the front compartment be filled with a dry medicament portion through a front end of the chamber.

Furthermore, dependent claim 32 requires that the rear compartment be filled with the wet medicament portion before the front compartment is filled with the dry medicament portion.

Michaels does not disclose or suggest in any way such a method.

Indeed, Michaels is completely silent with respect to the manner in which its proximal chamber (for liquid 39) and distal chamber (for powdered contents 37) are filled. More particularly, Michaels is completely silent with respect to the order in which the chambers are filled.

Michaels FIGS. show only the structure of its syringe assembly and the mixing and discharge sequence of its wet and dry contents, not the loading of the wet and dry contents into the chambers. For example, Michaels FIG. 2 shows its “internal by-pass syringe just prior to use” (column 2, lines 3-4; emphasis added) -- that is, with the wet and dry contents already loaded.

Michaels’ method claims 6-10 also do not disclose or suggest how the wet and dry contents are loaded into the chambers. For example, claim 6 recites “placing a liquid in the proximal end of a syringe and a medicament mixable with said liquid in the distal end of said syringe.”

Michaels does not disclose or suggest whether the liquid is loaded into the proximal chamber from the rear or front end of the syringe.

Michaels does not disclose or suggest whether the dry medicament is loaded into the distal chamber from the rear or front end of the syringe.

And Michaels does not disclose or suggest whether the liquid is loaded into the syringe before or after the dry medicament.

In sum, Michaels does not disclose or suggest in any way the method of applicants' claim 29.

Independent claim 29 is therefore not anticipated by Michaels and should thus be allowable.

For at least these reasons, dependent claims 30-34, which depend either directly or indirectly from independent claim 29, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable). Moreover, Michaels does not disclose or suggest the order in which the dry and wet contents are loaded into their respective chambers as defined in applicants' claim 32.

Accordingly, applicants respectfully request that the rejections of claims 29-34 under 35 U.S.C. §102(b) be withdrawn.

Rejections Of Claims 35 and 36 Under 35 U.S.C. § 103(a)

Dependent claims 35 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from Michaels in view of Kamstra.

These rejections are respectfully traversed.

As discussed above, independent claim 29 is not anticipated by Michaels.

Furthermore, the combination of Michaels and Kamstra does not render claim 29 obvious. In particular, Kamstra does not show or suggest in any way the filling of a rear compartment of a chamber with a wet medicament through a rear end of a chamber and the

filling of a front compartment of the chamber with a dry medicament through a front end of the chamber and, thus, does not make up for the deficiencies of Michaels.

Independent claim 29 is therefore still allowable.

For at least these reasons, dependent claims 35 and 36, which depend from independent claim 29, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

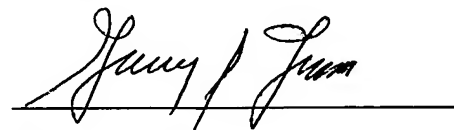
Accordingly, applicants respectfully request that the rejections of claims 35 and 36 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 29-36 are allowable. Therefore, subject to disposition of withdrawn claims 1-28, this application is in condition for allowance.

Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Garry J. Tuma", is written over a horizontal line.

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